IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9439 OF 2004

Rajnigandha Co-op.Hsg.Soc.Ltd. ...Petitioner.

Vs.

N.V.Srinivasa Murthy & Ors. ...Respondents.

.....

None for the Petitioner.

Mr.N.N.Bhadrashete for Respondent Nos.2 and 3.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

April 7, 2005.

P.C. :

Both the Co-operative Court as well as the in appeal, the Co-operative Appellate Court, have concurred in holding that no case for the grant of an interim injunction has been made out. The exercise of the jurisdiction of this Court under Article 227 is not warranted against what is purely an interlocutory order. The Co-operative Appellate Court has noted that there could be no injunction on the possession of the transferee who was in

occupation of the flat against the payment of valuable consideration. These are only prima facie observations confined to the interim application and it is needless to add that the main dispute shall be disposed of uninfluenced by those observations and on merits. There is no merit in the petition which is accordingly rejected.

.....